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6 UNITED STATES DISTRICT COURT
7 WESTERN DISTRICT OF WASHINGTON
8 AT SEATTLE

9 UNITED STATES OF AMERICA,
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11 Plaintiff,
12 v.
13 ANTHONY WEIR,
14 Defendant.

Case No. 2:18-CR-108-RSL

ORDER GRANTING
DEFENDANT'S THIRD
MOTION TO CONTINUE
TRIAL AND EXTEND
PRETRIAL MOTION
DEADLINE

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16 This matter comes before the Court on defendant Anthony Weir's "Third Motion to
17 Continue Trial and Extend Pretrial Motion Deadline." Dkt. #25. Having considered the facts set
18 forth in the motion, and defendant's knowing and voluntary waiver, the Court finds as follows:

19 1. The Court adopts the facts set forth in the unopposed motion; specifically that, due
20 to an unexpected medical issue, defense counsel needs additional time to fully investigate the
21 issues of the case and conduct legal research. The Court accordingly finds that a failure to grant
22 a continuance would deny counsel, and any potential future counsel, the reasonable time
23 necessary for effective preparation, taking into account the exercise of due diligence, within the
24 meaning of 18 U.S.C. § 3161(h)(7)(B)(iv).

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26 2. The Court finds that a failure to grant a continuance would likely result in a
27 miscarriage of justice, as set forth in 18 U.S.C. § 3161(h)(7)(B)(i).
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1 3. The Court finds that the additional time requested between February 5, 2019, and
2 the proposed trial date of July 29, 2019¹ is a reasonable period of delay, as defense counsel
3 needs additional time to fully investigate the issues of the case and conduct legal research. The
4 Court finds that this additional time is necessary to provide defense counsel reasonable time to
5 prepare for trial, considering all the facts set forth above.
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7 4. The Court further finds that this continuance would serve the ends of justice, and
8 that these factors outweigh the best interests of the public and defendant in a speedier trial,
9 within the meaning of 18 U.S.C. § 3161(H)(7)(A).

10 5. Defendant has signed a waiver indicating that he has been advised of his right to a
11 speedy trial and that, after consulting with counsel, he has knowingly and voluntarily waived
12 that right and consented to the continuation of his trial to a date up to and including August 5,
13 2019, Dkt. #30, which will permit trial to start on July 29, 2019.
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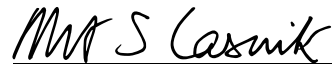
15 IT IS HEREBY ORDERED that the trial date be continued from February 5, 2019 to July
16 29, 2019.

17 IT IS FURTHER ORDERED that the pretrial motions cutoff date be continued to June
18 24, 2019.

19 IT IS FURTHER ORDERED that the period of time from the current trial date of
20 February 5, 2019, up to and including August 5, 2019, shall be excludable time pursuant to the
21 18 U.S.C. § 3161, *et seq.* The period of delay attributable to this filing and granting of this
22 motion is excluded for speedy trial purposes pursuant to 18 U.S.C. §§ 3161(h)(1)(D), (h)(7)(A),
23 and (h)(7)(B).
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25 ¹ Defendant initially waived his right to a speedy trial and consented to the continuation of the
26 date of his trial to a date up to and including April 30, 2019. Dkt. #27. Government counsel had no
27 objection to continuing the trial but expressed concerns with the proposed trial date of April 1, 2019.
28 Dkt. #26. Defendant accordingly consented to the continuation of the date of his trial to a date up to and
including August 5, 2019, allowing trial to begin on July 29, 2019. Dkt. #30.

1 DATED this 25th day of February, 2019.

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4 Robert S. Lasnik
5 United States District Judge
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